



STATE OF WASHINGTON

PUBLIC EMPLOYMENT RELATIONS COMMISSION

MARVIN L. SCHURKE, Executive Director

112 Henry Street N.E., Suite 300 • Post Office Box 40919 • Olympia, Washington 98504-0919
(360) 570-7300 • Fax (360) 570-7334 • E-mail filings: filing@perc.wa.gov • Website: www.perc.wa.gov

MINUTES

April 10, 2006

A special meeting of the Public Employment Relations Commission was held at 10:00 a.m. in the Hearing Room at the Commission's Kirkland office, 9757 Juanita Drive NE, Suite 201, Kirkland, Washington. Those present and participating were:

Marilyn Glenn Sayan, Chairperson
Pamela G. Bradburn, Commissioner
Douglas G. Mooney, Commissioner
Marvin L. Schurke, Executive Director
Majel C. Boudia, Confidential Secretary
Dario de la Rosa, Assistant to the Commission

Also present and participating:

Karen Hart, SEIU, Local 925
Tania Maria Rosario, SEIU, Local 925

MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on March 14, 2006, were approved as amended at this meeting.

REPORT OF THE EXECUTIVE DIRECTOR

1. Case intake for March was on target, with 80 cases filed. Case filings in March 2005 had been much higher-than-normal because that was the contract bar "window period" for filing representation cases under the Personnel System Reform Act. Another difference is that grievance mediation caseload is down, so the average case being filed now is more difficult to process than the average case a year ago.
2. There were 48 cases closed during the month of March. That was also on-track for this year.



3. There were 566 cases pending at the end of March. The "aged case" statistics were where they should be.
4. Mr. Schurke reviewed the "Red List" (cases ready for decision more than 90 days) and the "Yellow List" (cases ready for decision 45 - 89 days) for the Commission. He reported that both lists were reviewed with the management team on April 4, and that the supervisors had been directed to focus on these lists. Staff members are actively working on most of the cases, and one "Red List" case had already been issued since the lists were printed.
5. The Commission reviewed an e-mail message commending LRAM Emily Martin for her mediation effort in the Ferndale School District negotiations. The union has ratified a contract. Mr. Schurke noted that this was a difficult mediation.
6. The Commission reviewed an e-mail message from Glenn Frye of Washington State University, thanking LRAM Sally Carpenter for her assistance in resolving multiple grievance mediations.
7. The Commission reviewed an e-mail message forwarded by Chairperson Sayan, thanking Majel Boudia for her work monitoring the Dispute Resolution Panel.
8. The Commission members reviewed the Thirtieth Annual Report, and approved it pending correction of a spelling error. Mr. Schurke called attention to a new graph on the last page, showing that the rolling 10-year average of strike activity has declined from "over 10" in the early 1980's to "less than 2" in the most recent four years. Mr. Schurke said it is gratifying to see the decline in strikes, and he credited the agency staff for getting the job done. He also noted that Jim Lohr, Majel Boudia, and Dario de la Rosa had presented him with an etched plaque of this graph, in commemoration of his 30th anniversary with agency.
9. Mr. Schurke distributed advance publicity regarding the 2006 conference of the Association of Labor Relations Agencies.
10. The Commission member reviewed the application of Lawrence Little for the Dispute Resolution panel. Responding to a question from the Commission, Mr. Schurke stated that the minimum qualifications for panel applicants are a law degree or masters' degree in labor relations or related field PLUS at least three years of full-time work experience in labor-management relations OR additional work experience in place of the academic degrees. The Commission members indicated

concerns about the paperwork submitted, and directed Mr. Schurke to send a letter asking Mr. Little to show how he meets the minimum qualification of three years of full-time experience, and asking him to condense the information he provides into the Commission's panel application form.

Responding to a question by Commissioner Mooney about how often panel members update their information, Ms. Boudia stated that she contacts arbitrators when the information on file is three years old, and she places arbitrators on "inactive" status if they do not respond or if she has any indication that the arbitrator is not reachable by clientele.

LEGISLATIVE REPORT

Mr. Schurke and Mr. de la Rosa reported on legislation the agency has been following. House Bill 2333, House Bill 2353, House Bill 2475, House Bill 2780, House Bill 2898, House Bill 2976, and Senate Bill 6787 were all signed into law. Senate Bill 6411 was vetoed by the Governor.

ADOPTION OF EMERGENCY RULE

The Commission reviewed the proposed language for WAC 391-25-071, pertaining to family child care providers. House Bill 2353 was passed by the Legislature, and was signed into law by the Governor. It is similar in many respects to the law enacted in 2002 to extend bargaining rights to individual providers of home care services. The bill contained an emergency clause, so it is already in effect. Service Employees International Union, Local 925 has filed a representation petition for a statewide unit of child care providers. The initial processing of the case has been completed. The proposed rule was patterned after WAC 391-25-051, which was adopted for the home care workers election in 2002:

- There is a large number of eligible voters (9770 at latest count, up from the 8600 estimated earlier);
- The eligible voters work in private homes, so the "posting on the employer's premises" provisions of normal rules are inapt;
- The needed languages for the ballots have been chosen;
- Twenty-eight days for return of the ballots will allow a bit more time than we had for the home care workers; and
- The arrangements for such a large election will require calling in a large portion of the PERC staff to assist.

Mr. Schurke noted that there have been no objections to the proposed rule from any of the parties.

Karen Hart of SEIU Local 925 thanked Mr. Schurke for his work on the legislation and on the rule.

Responding to a question from Commissioner Mooney about translators, Mr. Schurke stated that the agency uses translation services that have been pre-qualified and put under state contract.

Responding to additional questions about the election process, Mr. Schurke stated that he had provided an estimated timeline during the legislative process that included time for obtaining translation services, and also included the 21-day turnaround period required by the state Department of Printing to produce, fold, stuff, and mail the outbound ballot materials envelopes. Mr. Schurke added that the outbound mailing includes instructions to voters, and that the Legislature provided a budget allocation for this election.

On a motion made and seconded, the Commission unanimously approved adoption of WAC 391-25-071, as proposed, on an emergency basis. Mr. Schurke said the rule would be filed with the Code Reviser the next day.

COMPLIANCE DOCKET

Skagit County, Case 17153-U-03-4441. Dario de la Rosa reported, on behalf of Compliance Officer Mark S. Downing. The employer tendered compliance on March 3, 2006. The notice had been posted, and was read into the minutes of the Skagit County Board of Commissioners. The union had been notified. Mr. de la Rosa reported that Mr. Downing had received no objection from the union, but had been unable to contact Rob Lavitt for affirmative confirmation from the union. The Commission agreed to hold the case over for one month. Commissioner Bradburn suggested that Mr. Downing send a letter to the union requesting comment by a specific date. The Commission agreed.

COURT DOCKET

Snohomish County Public Utility District 1, Case 15092-U-00-3809. Mr. de la Rosa reviewed the case. There was no motion for reconsideration of the Commission's decision, and both parties have filed appeals to court.

COMMISSION DOCKET

City of Everett, Cases 18827-E-04-2985, 19141-U-05-4865, and 19835-U-05-5033. Mr. Schurke reviewed the case. On a motion made and seconded, the Commission unanimously acknowledged withdrawal of the objections and remanded the representation case to the Executive Director for closure.

King County Public Hospital District 2, Cases 18802-E-04-2983 and 19842-E-05-3106. Mr. de la Rosa reviewed the case. The Commission directed Mr. Schurke to send a letter to the parties, requesting new settlement papers that do not purport to eliminate Commission jurisdiction to hear and determine election objections. Upon filing of such a settlement agreement with original signatures, the Commission will remand the case to Mr. Schurke.

This Commission docket was reviewed in detail, and the status of each case was discussed.

OTHER BUSINESS

Chairperson Sayan announced that Executive Director Marvin L. Schurke celebrated 30 years with the agency on April 1, 2006. Staff members had previously honored Mr. Schurke and presented him with a plaque at a luncheon and staff meeting. To acknowledge his service to the agency:

- Commissioner Bradburn read a resolution from the three Commissioners, honoring Mr. Schurke. A copy of the resolution is attached to these minutes.
- Commission members read aloud letters addressed to Mr. Schurke from Governor Christine Gregoire, Senator Margarita Prentice, Senator Jeanne Kohl-Welles, Representative Helen Sommers, and Representative Steve Conway. Copies of those letters are attached to these minutes.
- Chairperson Sayan offered congratulations to Mr. Schurke. She noted that all three Commissioners heard Senator Kohl-Welles thank him for his dedication at the Senate confirmation hearing for Ms. Sayan.
- The Commission presented Mr. Schurke with a gold pin and certificate honoring 30 years of state service.

Mr. Schurke thanked the Commission for their congratulations, and he credited the PERC staff for doing great work.


EXECUTIVE SESSION ON PERSONNEL MATTERS

The Commission held an executive session on personnel matters with the Executive Director.

ADJOURNMENT

There being nothing further to come before the Commission, the meeting was then adjourned.


PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARILYN GLENN SAYAN, Chairperson


PAMELA G. BRADBURN, Commissioner


DOUGLAS G. MOONEY, Commissioner

ATTEST:


MARVIN L. SCHURKE, Executive Director

**Resolution Celebrating Thirty Years of Service by Marvin L. Schurke to the
Public Employment Relations Commission and to the State of Washington**

WHEREAS in 1976 Marvin L. Schurke left the State of Wisconsin and its cheese for the State of Washington and its salmon, and

WHEREAS Marvin L. Schurke took the helm of the State of Washington Public Employment Relations Commission as its Executive Director on March 31, 1976, and

WHEREAS the several labor relations employees of the Department of Labor and Industries were transferred to the new Public Employment Relations, and

WHEREAS Marvin L. Schurke has persuaded the Legislature to vastly increase the staff and budget of the Public Employment Relations Commission in the past 30 years, and

WHEREAS Marvin L. Schurke has consistently upgraded the technology available to the staff of the Public Employment Relations Commission and occasionally upgraded the office furniture of said staff, and

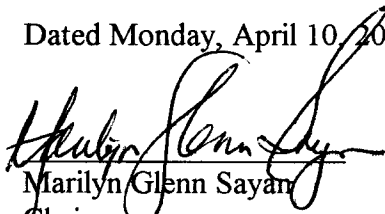
WHEREAS Marvin L. Schurke has overseen and conducted the activities and decisions of the Public Employment Relations Commission staff in such a manner as to minimize losses at the Court of Appeals and the Supreme Court of the State of Washington, and

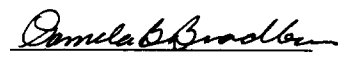
WHEREAS Marvin L. Schurke still possesses the ability to accurately cite any Examiner or Commission decision made in the last 30 years,

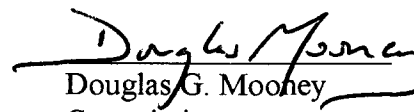
WHEREAS Marvin L. Schurke has survived 30 years of monthly Commission meetings and has thereby achieved greater seniority than any individual Commissioner,

NOW, THEREFORE, we declare Monday, April 10, 2006, as Marvin L. Schurke Day to offer our congratulations to our illustrious Executive Director on the occasion of his completing 30 years and 10 days of service to this agency, to the public employees in the State of Washington, and to the public employers within the agency's jurisdiction. His dedication to the cause of collective bargaining has led to improvement of public sector labor relations within the State of Washington, to greater understanding by public employers and labor organizations of their rights and responsibilities, and to effective enforcement of the rights of public employees.

Dated Monday, April 10, 2006.


Marilyn Glenn Sayan
Chairperson


Pamela G. Bradburn
Commissioner


Douglas G. Mooney
Commissioner

CHRISTINE O. GREGOIRE
Governor



STATE OF WASHINGTON
OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 753-6780 • www.governor.wa.gov

Greetings from the Governor
April 3, 2006

I am pleased to extend my warmest greetings to all of those attending the Public Employment Relations Commission (PERC) staff meeting today. Please take a few moments to reflect upon the history of the commission and those who have valiantly served this important organization through the past three decades.

I especially recognize the steady hand of PERC's first Executive Director, Marvin L. Schurke, who continues to guide the commission in its new and expanded roles. Marv's career clearly reflects his keen knowledge of labor law, a strong commitment to the process of collective bargaining, and his firm belief that conflict can be resolved in a structured and peaceful manner.

Marv is the longest-serving state agency director in Washington, as well as the longest-serving labor relations agency director in the United States. Through the years, as new laws are passed, and new duties delegated, Marv and his team have ably met the challenges with little fanfare. Difficult legislative and budgetary demands, filling new positions, and meeting heavy workload expectations were all taken in stride as Marv continued PERC's calm and reliable oversight.

I applaud the organization's dedication to serving Washington's labor force. These efforts are a supreme example of what can be accomplished when like-minded people work together under gifted leadership to achieve their goals. Marv, I thank you for your dedication to hard work and peaceful and productive outcomes.

Please accept my best wishes for continued memorable achievements.

Sincerely,

Christine O. Gregoire
Governor

STATE REPRESENTATIVE
36th DISTRICT
HELEN SOMMERS

State of
Washington
House of
Representatives



APPROPRIATIONS
CHAIR
BOARD, WA STATE INSTITUTE
FOR PUBLIC POLICY
STATE INVESTMENT BOARD
PENSION FUNDING COUNCIL

March 24, 2006

Mr. Marvin Schurke
Executive Director
Public Employment Relations Commission
112 Henry Street NE, Suite 300
P. O. Box 40919
Olympia, WA 98504-0919

Dear Mr. Schurke:

I am pleased to have this opportunity to congratulate you on thirty years of service to the citizens of Washington State as the Executive Director of the Washington State Public Employment Relations Commission.

As the first and only director for the agency you have demonstrated valuable leadership. Your extraordinary three-decade tenure has assured high standards and critical expertise in the work of the Commission.

I very much appreciate the information and assistance you provided me in the recent session.

Again, thank you for your dedicated service.

Sincerely,

A handwritten signature in cursive script that reads "Helen Sommers".

HELEN SOMMERS
State Representative
36th Legislative District



Washington State Senate

Olympia Address:
PO Box 40411
Olympia, WA 98504-0411

Senator Margarita Prentice
Chair, Ways & Means Committee
11th Legislative District

Telephone:
(360) 786-7616
E-mail: prentice_ma@leg.wa.gov

March 27, 2006

Marv Schurke, Executive Director
PERC
P. O. Box 40919
Olympia, WA 98504-0919

Dear Marv:

I am very pleased to have this opportunity to send you my heartiest congratulations and sincere thanks for your 30 years of service. You became part of my professional life when I was working as a registered nurse for the Renton Hospital - a public district hospital when PERC was first established. It was all so new and no one understood the plight of the public employees.

In my legislative role, I have depended on you to interpret proposed bills many times over the years - many times at a moment's notice. On numerous occasions, you have saved the state much confusion and delay by ensuring the bill language is appropriate and enforceable.

There is a reason that the commission is held in such high regard and it is due to your leadership. Your integrity, knowledge of the law and fairness in its application has led to the success of the agency over the years. Your complete dedication should be an example to all of us. I am proud and honored to call you friend and colleague.

Sincerely,

A handwritten signature in cursive script that reads "Margarita Prentice".

State Senator
11th Legislative District
Chair, Senate Ways and Means Committee

MP/mar

STATE REPRESENTATIVE
29th DISTRICT
STEVE CONWAY

State of
Washington
House of
Representatives

COMMERCE & LABOR
CHAIR
FINANCE
HEALTH CARE



March 28, 2006

Dear Marvin,

I would like to extend my congratulations to you, as you celebrate thirty years of service with the Public Employment Relations Commission. Your leadership and commitment have demonstrated the highest ideals of service.

You are a model for others to look to, as you continue to contribute in so many ways. It has been an honor to have worked with you over the years in Olympia.

Warmest regards,

A handwritten signature in cursive script that reads "Steve Conway".

Representative Steve Conway
29th Legislative District
Washington State Legislature

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**Olympia Office:**

432 John A. Cherberg Building
PO Box 40436
Olympia, WA 98504-0436
Phone: (360) 786-7670
FAX: (360) 786-7450
e-mail: kohl-welles.jeanne@leg.wa.gov

Washington State Senate**Senator Jeanne Kohl-Welles**

36th Legislative District
<http://www1.leg.wa.gov/senate/kohl-welles>

District Office:

157 Roy Street
Seattle, WA 98109-4111
Phone: (206) 281-6854
FAX: (206) 284-0938
Legislative Phones:
Hotline: 1-800-562-6000
TTY: 1-800-635-9993

April 3, 2006

Mr. Marvin Schurke, Executive Director
Washington State Public Employment Relations Commission
PO Box 40919
Olympia, WA 98504-0919

Dear Marvin:

As chair of the Senate Labor, Commerce, Research & Development Committee, I am pleased to have this opportunity to extend my appreciation to you for your 30 years of stellar service to the state and to the legislature. In particular, I personally thank you for your assistance to me in your capacity as the Executive Director of the Washington State Public Employment Relations Commission.

Congratulations on 30 years of service and I look forward to many more years of working with you! My best wishes in all of your future endeavors.

Sincerely,

Senator Jeanne Kohl-Welles
36th Legislative District